



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,611	12/29/2000	Steven E. Barile	42390P9914	1292

7590 02/10/2004

Charles A. Mirho
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
7th Floor
124000 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

GRAHAM, ANDREW R

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,611

Applicant(s)

BARILE, STEVEN E.

Examiner

Andrew Graham

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Art Unit: 2644

DETAILED ACTION

Drawings

1. The drawings are objected to because the letters and numbers used therein do not meet the minimum height requirement of 37 CFR

1.85(p)(3). Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are also objected to because the The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "138" has been used to designate both the audio file (138) in the second computer system (134) and the audio title (138) in Figure 1. The reference to these two components is also repeated in the specification, page 8 lines 7-17 in particular. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: The 'player function' component of Figure 1 is labeled with the reference numeral of "126", but the specification refers to this component as "108" (page 8, lines 15-18). The reference numeral "108" is previously used in the drawings and specification to refer to the coupling between the computer systems, which suggests that the

Art Unit: 2644

reference to the player function in the specification should be amended to be "126", as it appears in the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-2, 5-8, 10-12, 15-17, and 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Sato (US 2001/0027396 A1).

Sato discloses the audible synthesis an emission of data related to an audio file, relative to the playing of the audio file. The data involves information about the audio file ranging from the title to the type of the music (page 3, para. 0065, and Figure 90). The data is passed through a voice synthesizer (23) to convert the data into an audible output compatible format and the data is output in various forms of in synchronism with the audio file, ranging from the start or end of the audio file to a detected volume condition of the file (para. 0053, 0074, 0075). Regarding **Claim 1**, the selection of the

Art Unit: 2644

relevant audio data with the extraction unit (21) for the voice synthesizer (23) reads on "reading descriptive information about an audio file from meta-data for the audio file" (para. 0061). The synchronism between the playing of the audio file and the audio data from the synthesizer reads on "concatenating at least a portion of an audio format of the descriptive information to the audio file".

Regarding **Claim 2**, the voice synthesizer (23) converts the text information to voice data, which is provided through D/A converters (13a,13b) to be emitted by a loudspeaker, the functions of the synthesizer reading on "converting the descriptive information to the audio format prior to concatenating" (para. 0059).

Regarding **Claim 5**, one embodiment involves deriving the data information from the ID3 tag of an MPEG-1 Layer 3 format, which reads on "the audio file comprises the metadata" (para. 0065).

Regarding **Claim 6**, please refer to the like teachings of Claim 1, noting that one of the synchronism options involves outputting the data information at a certain time after the start of the playing of an audio file, which reads on the concept of "mixing" (para. 0072).

Regarding **Claim 7**, please refer to the like teachings of Claim 2.

Regarding **Claim 8**, the start reproduction time is one of the synchronization options, which reads on "at least a portion of the audio format of the descriptive information is mixed with audio at the beginning of the audio file" (para. 0070).

Regarding **Claim 10**, please refer to the like teachings of Claim 5. Regarding **Claim 11**, please refer to the like teachings of Claim 1,

Art Unit: 2644

noting that Sato discloses the text information read out program as being recorded on a computer readable recording medium (para. 0108). Regarding **Claim 12**, please refer to the like teachings of Claim 2. Regarding **Claim 15**, please refer to the like teachings of Claim 5. Regarding **Claim 16**, please refer to the like teachings of Claim 1, noting that the program is installed on a computer system (Figure 2) from a readable recording medium (para. 0108). Regarding **Claim 17**, please refer to the like teachings of Claim 2. Regarding **Claim 20**, please refer to the like teachings of Claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3-4, 9, 13-14, and 18-19** are rejected under 35

U.S.C. 103(a) as being unpatentable over Sato as applied above, and further in view of Yumura et al (USPN 5834670). Hereafter, "Yumura et al" will simply be referred to as "Yumura".

As detailed above, Sato discloses a system for selectively including information about an audio file into the audible playing of the audio file. Sato discloses a variety of timing at which the audio

Art Unit: 2644

file information may be emitted by the speaker (14) in relation to the playing of the audio file.

However, Sato does not specify:

- that the audio format of the descriptive information is concatenated to the beginning of the audio file

Yumura discloses a system for audibly presenting information about a song and the user requesting a song in a karaoke system. The audio file name and requester's name are input to a local terminal of the karaoke system with an input device (23). This information, processed by a speech synthesis unit (25) influenced by genre of the song, is output to the speakers during an introduction, interlude, or just before a song (col. 3, lines 13-35). The playing of the song information data reads on "at least a portion of the audio format of the descriptive information is concatenated to the beginning of the audio file".

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to incorporate the emission of the song data before the playing of song as taught by Yumura into the system of Sato. The motivation behind such a modification would have been that such an arrangement would have enabled users of the system to directly identify information regarding a song about to be played before the actual playing of the song. Playing the song data before the actual song would have left the song to be heard in its original form and prevented any unpleasant sound caused by the overlapping of the music and synthesized voice data.

Art Unit: 2644

Regarding **Claim 4**, the system of Yumura involves a main computer source which stores song information and a terminal computer source which requests and plays the stored music (col. 2, lines 44-67). Song data is transmitted from the main unit (1) and the terminal (2), and the synthesis of the song title and other information involves the use of data received in this transmission (col. 3, lines 15-18). This aspect of the invention, which improves the quality of the synthesized audio, reads on "the concatenating is performed in response to an operation to transfer the audio file from a first computer system to a second computer system".

Regarding **Claim 9**, please refer to the like teachings of Claim 4.
Regarding **Claim 13**, please refer to the like teachings of Claim 3.
Regarding **Claim 14**, please refer to the like teachings of Claim 4.
Regarding **Claim 18**, please refer to the like teachings of Claim 3.
Regarding **Claim 19**, please refer to the like teachings of Claim 4.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Graham whose telephone number is (703) 308-6729. The examiner can normally be reached on Monday-Friday (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen, can be reached at (703) 305-4386. The fax number for the organization where this application or proceeding is assigned is 703-872-9314.

Art Unit: 2644

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AG

Andrew Graham
Examiner
A.U. 2644

ag
January 26, 2004


MINSUN OH HARVEY
PRIMARY EXAMINER